

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claim 6 is cancelled. Claims 1, 4 and 5 are amended. Claims 1-5 and 7-9 are pending.

### I. Rejection under 35 U.S.C. § 103

In the Office Action, at page 2, numbered paragraph 4, claims 1-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's Related Art in view of Japanese Patent 2002-183974 to Mato et al. and in further view of Japanese Patent 2000-030369 to Motohashi et al. Claim 6 is cancelled. This rejection is respectfully traversed because the combination of the teachings of the Related Art, Mato and Motohashi does not suggest:

checking a state of the optical disc in a recording management area in which disc information is recorded, the checking including checking a recording management area to determine whether the disc is Fully Blanked or Minimally Blanked, the disc indicating to be Minimally Blanked when a value '04' is designated at a field 0 of the recording management area, the disc indicating to be Fully Blanked when a value '04' is not designated at the field 0 of the recording management area;

erasing, after the checking and after recording the data, data ranging from a next writable address to a predetermined block upon determining that the optical disc is the Minimally Blank disc in which data is erased from the recording management area to a lead-in area; and

recording a remainder of the data other than the recorded data, after the erasing,

as recited in amended independent claims 1 and 4.

Neither the related art, Moto nor Motohashi, alone or in combination, discuss or suggest checking a state of an optical disc, where the disc is checked to determine whether the disc is Fully Blanked or Minimally Blanked and a value '04' designated whether the disc is Fully Blanked or Minimally Blanked. Further, the related art, Moto or Motohashi, alone or in combination, does not discuss or suggest that data ranging from a next writable address to a predetermined block is erased upon determining that the optical disc is the Minimally Blanked disc.

Therefore, as the combination of the teachings of the Related Art, Mato and Motohashi does not suggest "checking a state of the optical disc in a recording management area in which disc information is recorded; erasing, after the checking and after recording the data, data ranging from a next writable address to a predetermined block upon determining that the optical

disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-in area; and recording a remainder of the data other than the recorded data, after the erasing," as recited in independent claims 1 and 4, claims 1 and 4 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

Also, the combination of the teachings of the Related Art, Mato and Motohashi does not suggest "checking a recording management area to determine whether the optical disc is Fully Blanked or Minimally Blanked after the recording, the disc indicating to be Minimally Blanked when a value '04' is designated at a field 0 of the recording management area, the disc indicating to be Fully Blanked when a value '04' is not designated at the field 0 of the recording management area; [and] erasing, after the checking, data from a portion of the optical disc that may lead to a recording or read out error upon determining that the optical disc is Minimally Blanked," as recited in amended independent claim 5. Therefore, claim 5 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

Claims 2, 3 and 7-9 depend either directly or indirectly from independent claims 1 and 5 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 3 recites that "the erasing comprises recording, after the checking of the state, data from a next address upon determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-out area." Therefore, claims 2, 3 and 7-9 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

**Conclusion**

In accordance with the foregoing, claim 6 has been cancelled. Claims 1, 4 and 5 have been amended. Claims 1-5 and 7-9 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

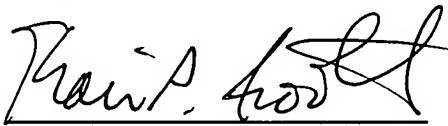
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 29, 2008

By:



Kari P. Footland

Registration No. 55,187

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501